



U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101

July 17, 1986

100961
~~7-18-86~~
7.17.86
5a

REPLY TO
ATTN OF:

M/S 613

Stephen Navaretta, Attorney
13th Floor--Seattle Tower
1218 Third Avenue
Seattle, Washington 98101

RECEIVED
JUL 21 1986

Re: ARRCOM Site - Rathdrum, Idaho

WASTE MANAGEMENT BRANCH

Dear Mr. Navaretta:

This letter addresses your letter of May 9, 1986, and subsequent telephone conversations.

The Environmental Protection Agency rejects your explanation for noncompliance by Mr. Bingham with Consent Order No. X83-04-02-3008.

First, your request for an extension of time, dated October 7, 1985, was never granted in writing, as is required in the Consent Order. Telephone conversations between you and EPA personnel shortly after that request was received by EPA indicated you had not begun to prepare compliance plans for the ARRCOM facility. Because of that, EPA saw no basis to grant an extension and did not do so. We believe this was clear to you at the time of the telephone conversations. Consequently, the order deadlines stood and stand as Mr. Bingham's obligations under the agreement.

Second, claims of impossibility because of the recent tax sale are not valid. The County of Kootenai, the current holder of title at the site, does not object to granting access to the site to your client for closure activities. The tax foreclosure does not make Mr. Bingham's performance of the consent agreement impossible.

In short, there is no valid reason for Mr. Bingham's noncompliance with the negotiated consent agreement. By the terms of that agreement, Mr. Bingham now owes the government fifteen thousand dollars. In addition, Mr. Bingham continues to have a duty to close the ARRCOM-Rathdrum facility, pursuant to applicable laws and regulations.

In our telephone conversation, you suggested a meeting between Mr. Bingham and EPA, possibly involving Kootenai County

USEPA RCRA



3009323

representatives. In view of Mr. Bingham's past misuse of negotiated settlements, EPA declines to have such a meeting until it receives valid closure plans for the site from Mr. Bingham. No decision on the potential liability of the county at the site has been made at this time.

I can be reached at (206) 442-1191.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Henry Elsen", written in a cursive style.

D. Henry Elsen
Assistant Regional Counsel